

Habitat Conservation Plan



Memorandum

Date: November 18, 1997
To: CALFED Policy Group
From: Lester A. Snow, Executive Director
CALFED Bay-Delta Program
Subject: ESA/CESA Compliance Strategy

Background

An interagency group has been meeting to develop a strategy for compliance with the state and federal ESAs. This compliance strategy will include development of a Habitat Conservation Plan (HCP) and a Natural Community Conservation Plan (NCCP). Discussions to date have centered around a variety of issues that were raised during the public scoping session for inclusion of an HCP/NCCP as part of the CALFED Bay-Delta Program. Many of these issues were discussed at the last Policy Group meeting and are summarized in a Scoping Report currently being prepared. Although this scoping report is not yet finalized, we have included a draft version with this packet to familiarize you with the full range of comments and concerns that were raised during the scoping period (Attachment 1).

Additionally, there are several key points that the staff has discussed and would like to recommend to the CALFED Policy Group in order to proceed with the development process:

- An HCP/NCCP will be part of the CALFED ESA/CESA compliance strategy, although it is not yet clear which CALFED actions would be covered by a Section 7 consultation and which would be covered by an HCP/NCCP;
- The term for an HCP/NCCP will be the same as the CALFED Bay-Delta Program term (25 to 30 years);
- The geographic scope of the HCP/NCCP will be no broader than the CALFED Program. It will probably be more narrow, depending on the actions to be covered;

CALFED Agencies

California
The Resources Agency
Department of Fish and Game
Department of Water Resources
California Environmental Protection Agency
State Water Resources Control Board

Federal
Environmental Protection Agency
Department of the Interior
Fish and Wildlife Service
Bureau of Reclamation
U.S. Army Corps of Engineers

Department of Agriculture
Natural Resources Conservation Service
Department of Commerce
National Marine Fisheries Service

ESA/CESA Compliance Strategy

November 18, 1997

Page Two

- The CALFED state agencies will likely be the initial permittees at the programmatic level;
- The species to be covered by an HCP/NCCP are still being determined. An HCP/NCCP would cover only those species for which adequate information is available. Species not covered by the HCP/NCCP would not be included in the "No Surprises" assurances;
- An HCP/NCCP will include monitoring, scientific review, an adaptive management component and adequate funding to implement the plan;
- The CALFED agencies commit to public participation through presentations at BDAC, the BDAC Assurances Work Group, the BDAC Ecosystem Restoration Work Group, and other informal pre-release meetings;
- USFWS, NMFS and CDFG will coordinate with other CALFED agencies through meetings to begin later this month.

Action Item

The staff will continue developing an ESA/CESA compliance strategy as described above, unless the Policy Group provides differing direction.